

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated June 22, 2007. Claim 7 has been amended and claim 5 has been canceled and its subject matter has been incorporated into claim 1 without intending to abandon or to dedicate to the public any patentable subject matter. Applicants believe that these amendments do not introduce any new issues that would require an additional search of the art and respectfully submit that if any new art is cited in an Office Action, then that Office Action should be a non-final Office Action. Accordingly, Claims 1-4 and 6-9 are currently pending.

Applicants would like to thank the Examiner for courtesies extended during a telephonic interview on April 2, 2008. During the interview, the Examiner and Applicants' representative discussed the prior art, primarily U.S. Patent No. 5,590,377 to Smith (Hereinafter "Smith") in view of the currently pending claims. Applicants' representatives pointed out some differences between the present invention and Smith. No agreement was reached regarding allowable subject matter.

Claims 1-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith. In order for a rejection under 35 U.S.C. §103 to be proper, clear articulation of the reason(s) why the claimed invention would have been obvious should be stated by the Examiner and must be supported by some rationale which may include one of the following: A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) "Obvious to try" - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art; or (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. The Supreme Court recently noted in KSR that the analysis

supporting a rejection under 35 U.S.C. 103 should be made explicit. (MPEP §2143). The Examiner has not, however, shown that the pending claims are obvious in view of any of the above-listed rationales. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested. Accordingly, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Smith

Smith is directed toward a distributed memory access (DMA) system that includes specially configured connections between one slave DMA controller and a master DMA controller. The master DMA controller is located in a notebook or laptop computer and the slave DMA controller is located in a docking station adapted to receive the laptop computer. Communications between the master and slave DMA controllers is achieved when the laptop computer is engaged with the docking station. While docked, a primary PCI bus (240) and secondary PCI bus (262) connect the master and slave DMA controllers.

Claim 1, on the other hand, specifies that a CIM is connected to a CMM through the passive backplane that includes a first, second, third and fourth data bus. Smith does not even teach a third or fourth data bus. Moreover, the data buses of Smith do not even reside on the same passive backplane. Accordingly, it is respectfully requested that the rejections of claim 1 be reconsidered and withdrawn.

With respect to claim 2, the structure of the CIM is further defined to include a communication path portion and a channel interface portion. The communication path portion is operable to selectively transfer storage data between the channel interface portion and the passive backplane. Additionally, the channel interface portion is operable to transfer storage data between the host and/or the storage device and communication path portion. The Office Action does not even indicate nor can Applicants readily discern where Smith mentions a CIM having the structure claimed in claim 2. Accordingly, it is requested that the rejection of claim 2 be reconsidered and withdrawn.

With respect to claim 3, a CMM is described that includes a bus interface portion that connects to the passive backplane, a memory for temporary storage of said storage data, and a

*Application Serial No. 09/967,194
Reply to Office Action of December 12, 2007*

processing portion that organizes and arranges said storage data. The Office Action also fails to indicate where Smith teaches that the CMM may include this type of structure. Accordingly, it is requested that the rejection of claim 3 be reconsidered and withdrawn.

With respect to claim 4, the bus interface portion of the CMM is further defined. As noted above, Applicants fail to see where in Smith the bus interface portion of the CMM is taught or suggested. Additionally, a processing interface, bridge core, memory interface, and backplane interface, and an XOR engine and/or DMA engine are provided. The Office Action does not cite any support in Smith for the CMM having an XOR engine and or DMA engine that provide DMA access to a passive backplane. Accordingly, Applicants respectfully submit that the rejection of claim 4 should be reconsidered and withdrawn.

With respect to claim 6, the configuration of the passive backplane if further defined. Again, Smith fails to teach a passive backplane. The Office Action does not reference where in Smith that a passive backplane is taught that either includes third and fourth data buses or where first and second data buses in the passive backplane are taught to be included as part of a group of backplane buses and the group includes PCIX buses. Accordingly, Applicants respectfully submit that the rejection of claim 6 should be withdrawn since a *prima facie* showing of obviousness has not yet been made.

With respect to claims 7-9, the interaction between the CIM, CMM, and various data buses on the passive backplane are described. As noted above, Smith does not describe a passive backplane nor does Smith show the relationship between the CIM, CMM, and the passive backplane as claimed. Accordingly Applicants respectfully submit that the rejections of claims 7-9 appear to be improper. Accordingly, Applicants respectfully request that the rejection of claims 7-9 be reconsidered and withdrawn.

*Application Serial No. 09/967,194
Reply to Office Action of December 12, 2007*

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By:



Matthew R. Ellsworth
Registration No. 56,345
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: April 14, 2008